

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GREAT AMERICAN INSURANCE
COMPANY, an Ohio corporation,

Plaintiff,

vs.

RODGER MAY, an individual;
MK SALVAGE VENTURE LLC; a
Washington limited liability company; BEAR
ENTERPRISES LLC, a Washington limited
liability company, and PETER KUTTEL, an
individual,

Defendants.

NO. 2:21-cv-1002-JCC

DECLARATION OF LISA MEIER IN
SUPPORT OF PLAINTIFF GREAT
AMERICAN INSURANCE
COMPANY'S MOTION FOR
SUMMARY JUDGMENT

Clerk's Action Required

**Note on Motion Calendar:
October 1, 2021**

I, Lisa R. Meier, hereby certify under penalty of perjury, that the following is true and correct and within my personal knowledge:

1. I am over the age of 18, have personal knowledge of all facts contained in this declaration, and am competent to testify as a witness to those facts.

2. I am currently employed by Great American Insurance Company ("Great American"). In the fall of 2019, I was employed as a Senior Claim Representative handling ocean marine claims.

MEIER DECLARATION IN SUPPORT OF
GREAT AMERICAN'S MOTION FOR
SUMMARY JUDGMENT –
NO. 2:21-cv-1002-JCC

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(206) 292-9988

3. On October 11, 2019, the insurance broker for Bear Enterprises, LLC tendered the summons and the complaint from the lawsuit *Rodger May v. MK Salvage Venture, et al.*, to Great American.

4. Attached hereto as Exhibit 1 is a true and correct copy of the email from the broker, which I referenced in paragraph 3, above.

5. Attached hereto as Exhibit 2 are true and correct copies of the summons and complaint from *May v. MK Salvage Venture*, which were attached to the broker's email, referenced in paragraph 3, above, and attached hereto as Exhibit 1.

6. The email, summons and complaint were all of the documentation that Great American received from the broker concerning the suit *May v. MK Salvage Venture*.

7. Great American determined that it did not have a duty to defend the defendants in the suit *May v. MK Salvage Venture*, so I sent Peter Kuttel a letter advising him, and the other defendants, of Great American's coverage determination. Attached hereto as Exhibit 3 is a true and correct copy of my November 14, 2019 letter explaining the determination.

8. No person has ever contacted me to dispute Great American's determination that it had no obligation to defend any defendant in the *May v. MK Salvage Venture* suit.

9. In April of 2021, Great American received notice that the parties to the *May v. MK Salvage Venture* lawsuit had reached a settlement and were seeking the court's approval of that settlement. Great American received this notice through an April 8, 2021 letter with its attachments from Rodger May's attorney, Michael Zoretic. Attached hereto as Exhibit 4 is a true and correct copy of the letter and all of its attachments.

10. Bear Enterprises, LLC, MK Salvage Venture, LLC and five other entities are named insureds on policy number OMH 3133724 05, for the period effective September 28, 2016 through September 28, 2017. A true and correct copy of policy number OMH 3133724 05 is attached hereto as Exhibit 5. Great American renewed this policy for the following two policy

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1 years, however the second renewal policy was cancelled at the insureds' request, effective
2 inception. Therefore, there was only one year of additional coverage beyond the period covered
3 by Exhibit 5. That renewal policy, number OMH 3133724 06, was in effect from September 28,
4 2017 through September 28, 2018, and had coverages identical to those provided by the
5 preceding policy, Exhibit 5. In addition, the policy preceding Exhibit 5, number OMH 3133724
6 04, was in effect September 28, 2015 through September 28, 2016, and also had coverages
7 identical to those provided by Exhibit 5.

8 DATED this 8th day of September, 2021, at Cincinnati, Ohio.

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13 Lisa R. Meier
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MEIER DECLARATION IN SUPPORT OF
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CERTIFICATE OF SERVICE

I, Joseph D. Hampton, hereby certify that on September 9, 2021, I electronically filed the following:

- **Declaration Of Lisa Meier In Support Of Plaintiff Great American Insurance Company's Motion For Summary Judgment; and**
- **Certificate of Service;**

with the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Defendant May:

Michael T. Zoretic
Zoretic Law
P.O. Box 427
Pateros, WA 98846-0427
(206) 465-8109
mike@zoreticlaw.com

Counsel for Defendant MK Salvage:

Terence K. McGee
McGee Law Offices PLLC
15711 NE 143rd Place
Woodinville, WA 98072-9069
(425) 368-2321
tkmcgee@mcgeelaw.net

Counsel for Defendants Bear Ent. and Kuttel:

James F. Williams
Zachary Davison
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3095
(206) 359-8000
jwilliams@perkinscoie.com
zdavison@perkinscoie.com

MEIER DECLARATION IN SUPPORT OF
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1 Dated this 9th day of September, 2021.

2 BETTS, PATTERSON & MINES, P.S.

3
4 By /s Joseph D. Hampton

5 By /s Kara A. Tredway

6 Joseph D. Hampton, WSBA #15297

7 Kara A. Tredway, WSBA #44984

8 Betts, Patterson & Mines, P.S.

9 One Convention Place, Suite 1400

10 701 Pike Street

11 Seattle WA 98101-3927

12 Telephone: (206) 292-9988

13 Facsimile: (206) 343-7053

14 E-mail: jhampton@bpmlaw.com

15 E-mail: ktredway@bpmlaw.com

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17 Attorneys for Plaintiff Great American
18 Insurance Company
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MEIER DECLARATION IN SUPPORT OF
GREAT AMERICAN'S MOTION FOR
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